

DEPARTMENT OF CORRECTIONS  
FOCUS GROUP MEETING  
JULY 9, 2012

PRESENT: Division Director Craig Burr, Jennifer Bartell, Julie Breckenridge, Molly Prince, Vicky Westmoreland, Jennifer Bartell, Gloria Limb, Holly Zink, James Evans, Norma Bench, Roy Drodgy, Lilas Park, Brock Rynhart, Brooke Adams, Camille Curtis, Tanja Schaffer, Leah Farrell, Barbara Hibler – Recorder.

Division Director Craig Burr welcomed everyone to the Focus Group Meeting. Director Burr's responsibilities as the Director of Programming include overseeing all treatment, sex offender and substance abuse treatment both in the community and at the institution. Craig also works with the education providers in the community, local school districts and the prison at Gunnison and Draper sites and County Jails. Programming supervises all the volunteers at both facilities and helps coordinates the volunteers at the county jails. All religious aspects go through the Programming Office. We have the Drug Offender Reform Act (DORA). The Division of Programming has 10 DORA agents that work within Salt Lake, Weber, Davis and Utah County. We also have six employment agents along the Wasatch front. They work with both probationers and parolees to help them find employment.

Focus meeting will be held on the first Monday of each quarter other than January and July and then we meet on the second Monday at 6:00 p.m.

Craig introduced guest speaker Jennifer Bartell with the Board of Pardons and Parole. Jennifer will be giving an overview of the Board of Pardons. She cannot speak for individuals who are incarcerated at the facility. (Handouts included)

Jennifer stated if anyone has questions to call her at 801-261-6453 or 801-261-6464. It is the focus of the Board as hearing officers to answer any questions.

The Board of Pardons was created by state constitution and was originally comprised of the Governor, the Attorney General, and members of the Utah Supreme Court.

The Board consists of five full time members. Members are appointed by the Governor and confirmed by the senate and serve staggering five year terms.

The Mission of the Board is to address public safety by rendering just decisions regarding the length of incarceration, parole supervision, termination of sentence, communication of sentence, and pardons.

The Vision Statement is to make the State of Utah a safer, better place to live for all its citizens.

The Board has a full time staff consisting of:

- Hearing officers (11)

FOCUS GROUP MEETING MINUTES

JULY 9, 2012

- Case Analysts (2)
- Mental Health Specialist
- Victim Coordinator
- Disclosure specialist and
- Support Service

The Board has jurisdiction over those offender's committed to the custody of the Utah Department of Corrections for an indeterminate term that may not exceed the maximum sentence imposed. This includes all state felons and class A misdemeanors sentenced to incarceration for a minimum term of one year at the Utah State Prison.

It is the Board's responsibility to determine the length of incarceration for these indeterminate sentences. Judges can only impose indeterminate terms.

What powers does the Board have?

- Decide whether an offender will be paroled short of court ordered expiration of sentence.
- Commute or reduce sentences.
- Impose or remit restitution, fines and forfeitures.
- Terminate the sentence of an inmate or parolee, short of sentence expiration.
- Pardon offenders except in cases of treason or impeachment.
- Issue warrants of arrest, based on probable cause of parole violations.
- Revoke parole on finding of cause.
- Conduct evidentiary hearing with full subpoena authority.

The Board does not remit restitution; our goal is to pay to the debt to the victims.

When the Board is preparing for a hearing:

- Judgment and commitment order and other court communications.
- Prosecuting and Defense Attorney communications.
- Department of Corrections reports.
- Victim communications.
- All correspondence, both positive and negative.
- Inmate Board reports generated by prison.

The Boards decisions are final, non appealable, and not subject to judicial review. Process issues are subject to judicial review.

Original Hearings:

Each inmate whose sentence carries the possibility of parole has the right to a personal appearance before the Board at some point during his or her sentence to determine whether a parole or other disposition short of sentence expiration will be granted.

FOCUS GROUP MEETING MINUTES

JULY 9, 2012

All felonies with a death: The Board will review each case based upon the unique facts of the case; as soon as practicable for a determination of the month and year for the original hearing. Decisions made at original hearings can include the following recommendations:

- Parole date with associated conditions
- Rehearing
- Expiration date
- Termination date

Julie Breckenridge stated it seems like regarding the hearings that there is no consideration for the family of the person.

Jennifer stated that the Board has made every effort to accommodate family coming in. We have changed locations of the hearing because of the location of the family and their ability to be transported. We have negotiated hearing times because of things that are going on. The Board has strict orders that we stay on track with the hearings.

Camille Curits of the Disability Law Center stated that they receive calls regarding people who need accommodations with disabilities. Do they need to request them?

Jennifer stated it would be nice if somebody would let them know. The Board of Pardons will pay for people who sign that come into our hearings. We have officers at the prison who are Spanish speaking. For some of the other languages we have to hire interpreters to come in. We try to make every effort to accommodate that.

Molly Prince stated for future discussion it seems there is no one explaining to the inmates except for us about how the Board hearing goes. It would be real helpful if volunteers or the Board or someone could help the inmate understand the hearing process because they are so intimidated by the first hearing that they do not understand.

Jennifer stated what they have done is we have put some general information in the offender packet. If there is something in the packet that you are not comfortable with, we can talk to the Chairman about that.

Craig Burr stated that as a housing captain he asked the case managers to do to sit down with the offender's prior going to the Board and in some cases it was a month to two weeks prior to going to the Board and to walk them through that process. The goal is to get the right information so that the Board can make the best decision.

Jennifer stated while the offender is still in the institution there is two processes by which they can be reviewed:

- A Special Attention Process, hearing which has to be new information.

- Redetermination Process, offenders whether they have anything new or not the offender has the right to petition the Board for a review of that decision. They can petition the Board within five years from the original decision.
- Sex offenders have to wait to see the Board before they get into treatment.

It was asked if it was a legal hearing why they can't have a lawyer to prepare them for the hearing.

Jennifer stated they can have a lawyer prepare them, if they want the lawyer to come out and meet with them but they can't participate in the hearing.

Since 2008 the Board has delivered 63 decisions for natural life.

Craig stated there is a copy of the screen in the packet that goes over each category and lists.

Jennifer stated she would take the conflict of the hearing concerns to the Board to discuss.

Handouts included:

- Focus Newsletter
- Utah Board of Pardons and Parole Overview
- Before the Board of Pardons of the State of Utah (Rationale for decision making)
- Form 1 – General Matrix
- Form 2 – Sex Offender Matrix

Next Focus Group Meeting will be held on October 1, 2012 at 6:00 PM, Region 3 Office.

Craig thanked everyone for attending and does appreciate your input.

Focus Group Meetings:

April 2, 2012

July 9, 2012

October 1, 2012

January 7, 2013

# FOCUS Newsletter

Act as if what you do makes a difference. It does. William James

## The Utah Department of Corrections (UDC) asks:

What would YOU like to FOCUS on this next year? Give us your suggestions for FOCUS' quarterly topics.

We make the world we live in and shape our own environment.

~ Orison Swett Marden

## Board of Pardons & Parole

Tonight's FOCUS is on the Board of Pardons & Parole and the Board's interest in how we manage, supervise and provide avenues for offender programming. Hearing Officer **Jennifer Bartell** has years of experience with the BOPP, and within UDC, and is prepared to answer your non-offender-specific questions.



## Legislative Update

Tonight's secondary FOCUS is on legislative actions that affect how we manage, supervise and provide avenues for offender programming. If our BOPP presentation and questions last the entire FOCUS meeting, this topic will be postponed.

## TREATMENT WORKS

Three recent studies conducted by the Utah Department of Corrections research team concluded the prisons' male and female Residential Substance-Abuse Treatment communities effectively reduce the likelihood that offenders will return to prison. Corrections operates ConQuest, a male therapeutic community in Draper; HOPE, a male TC in Gunnison; and ExCell, a female TC in Draper. Turn the page for more information.

Develop success from failures.  
Discouragement and failure are two of the surest stepping stones to success. **Dale Carnegie**

The Utah Department of Corrections invites you to participate in FOCUS.

Quarterly focus group meetings are designed to encourage community involvement in offender success.

Meetings take place at Adult Probation and Parole's Region Three office, 36 West Fremont Ave. (6100 South) in Salt Lake City. We meet in the conference room to the right of the main doors.

Next Meeting: 1 October 2012 - 6:00 PM

## Treatment & Resource Center(s) Community-Based Treatment

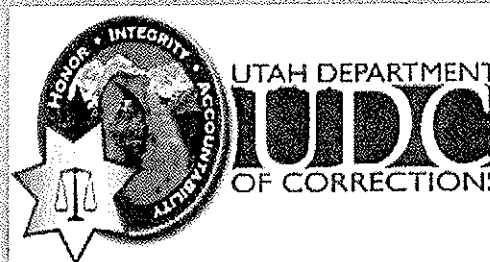
Treatment is a significant factor of offender success. This 3-county, 4-locations licensed therapist team helps offenders recognize and deal with substance abuse and other treatment issues! We do refer most offenders to community-based services in accordance with our mission and vision.

**Tammy Hart, Clinical Supervisor**  
**David Berryman, Ogden**  
**Michelle Glover, Ogden**  
**Kate Johnson, Salt Lake**  
**William Madsen, Salt Lake**  
**Paul Binks, Provo**  
**Bruce Fordham, Provo**

## (Treatment Works cont.) Prison-Based Therapeutic Communities

Treatment is a significant factor of offender success. These clinical treatment programs help offenders recognize and deal with substance abuse and related issues. Our prison-based programs also provide transition support as offenders prepare for prison release.

The recent therapeutic community program evaluations showed slightly different results per program, but all proved to bolster success rates and support effective outcomes among residents who graduated the programs. The study isolated the impacts of ConQuest, ExCell and HOPE in an effort to prove it was, in fact, these programs that were making the difference in offender success rates.



Programming Division  
 14717 S. Minuteman Drive  
 Draper, UT 84020

### EMPLOYEE OF THE QUARTER

**Delroi Warnock** has a passion for teaching. When not instructing, he is evaluating, researching and studying ways to improve curriculum. Delroi teaches psycho-education courses to prepare convicted sex offenders to enter treatment. He screens students, facilitates classes and reads their histories in order to make the treatment process more effective. His genuine desire to provide service, his level of motivation and his support of the Departments Mission and Vision combine to showcase this professional officer as *Employee of the Quarter* for April – June 2012.

### Upcoming **FOCUS** Meeting Dates:

**1 October 2012 – 6:00 PM**  
**7 January 2013 – 6:00 PM**

**A mind that is stretched by a new experience can  
 never go back to its old dimensions.**

~ Oliver Wendell Holmes, Jr.



POVERTY WAS THE GREATEST MOTIVATING FACTOR IN MY LIFE. ~ JIMMY DEAN

## (Treatment Works cont.) Prison-Based Therapeutic Communities

Department researchers found the following results by analyzing hundreds of individual program graduates. Each graduate was paired with a non-graduate, who was as similar as possible in a variety of attributes (e.g. age, severity of offense, prison security level, prison disciplinarys and LSI category). The only difference between each pairing: one had graduated substance-abuse treatment prior to parole, and one had not. The study evaluated offender performance during the initial 18-months in the community to see if there was a new crime or parole violation.

The data showed there was a significant difference in results: Those who graduated substance-abuse treatment programs were ultimately less likely to return to prison.

Turn the page for the results from ConQuest, ExCell and HOPE.

You DO make a difference and you ARE

THANK  
YOU

Important to our



**Break Out of the Prison of Addiction**

Adult Probation & Parole (AP&P) supervises agents, correctional officers and support staff within their **Treatment and Resource Centers (TRC)**.

TRC Therapists report to Program Director **Tammy Hart** (a supervising therapist) who is based out of NUCCC, and she reports to the Division of Programming. This command structure allows us to ensure the therapeutic practices within the TRCs are in line with licensure issues and approved treatment practices.

This is a cooperative arrangement between the Divisions of AP&P and Programming and is supported by the overall mission and vision of the Utah Department of Corrections (UDC).

Responsibility for the Treatment Resource Center overall operations stays with the Division of Adult Probation & Parole. Responsibility for non-clinical TRC staff remains with AP&P. Clinical programming and clinical decisions are made by the Division of Programming.

Hart supervises a minimum of six therapists who are located in three regions of AP&P, in four different TRC physical locations. This position is not responsible for the overall operations of the TRCs, but is over the clinical aspects of them. Hart, and the four TRC supervisors, participate as members of the UDC Substance Abuse Task Force.

Hart directly supervises the two Ogden (NUTRC) therapists, the two Salt Lake (SLTRC SL, L - WTRC) therapists and the two Provo TRC therapists.

WHEN YOU REACH THE END  
OF YOUR ROPE, TIE A KNOT IN  
IT AND HANG ON.

~ THOMAS JEFFERSON

## Prison-Based Therapeutic Communities Evaluation Results

- **ConQuest** (sample size: 790 or 395 pairings)
  - Non-grads: 56.7% returned within 18 months
  - Grads: 41.3% returned within 18 months
    - 27.2% reduction in recidivism
    - $(56.7 - 41.3) / 56.7 = .272 \times 100 = 27.2\%$
- **HOPE** (sample size: 464 or 232 pairings)
  - Non-grads: 54.3% returned within 18 months
  - Grads: 39.7% returned within 18 months
    - 26.9% reduction in recidivism
- **ExCell** (sample size: 230 or 115 pairings)
  - Non-grads: 42.6% returned within 18 months
  - Grads: 30.4% returned within 18 months
    - 28.6% reduction in recidivism

These results show these programs effectively further the Utah Department of Corrections' two-pronged mission of helping offenders to succeed while protecting public safety. The Department is grateful for the ongoing efforts of these programs as a whole – particularly the tireless work of the Programming and Security staff involved in their daily operations.

## Parole Access to Recovery (PATR)

### The Companion Service for Parolees Who Complete ConQuest, ExCell or HOPE

Beginning in July 2012, PATR provides substance abuse continuing care treatment, and “wrap around” services, under the DHS/DSAMH Access to Recovery program, to UDC parolees residing in Salt Lake, Weber, and Utah counties. It is a time-limited voucher system for continuing care and other forms of transitional services. It can be combined with other private and public treatment resources. Outcome data will be tracked to determine if the program has continuing merit.

### Community Partner: Resources at Your Finger Tips

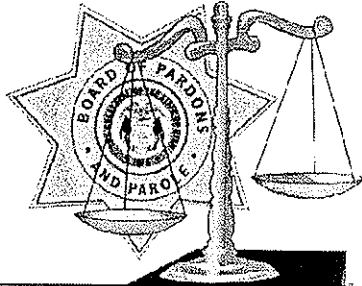
2-1-1

Utah's state and community resources accessible by calling 2-1-1 are now available via <http://uwsl.bowmansystems.com/>, a searchable resource database. This user-friendly database gives those seeking services for themselves or others the ability to browse hundreds of health and human services online and even create an account to easily access frequently-used referrals.



## UTAH BOARD OF PARDONS & PAROLE

### OVERVIEW



### Who Created the Board?

- The Board of Pardons and Parole was created by state constitution and was originally comprised of the Governor, the Attorney General, and members of the Utah Supreme Court.

- The Board is an independent State Department under the executive branch.
- The Board consists of five full time members.
- Members are appointed by the Governor and confirmed by the senate and serve staggering five year terms.

### MISSION STATEMENT

- The mission of the Board of Pardons and Parole is to further public safety by rendering just decisions regarding the length of incarceration, parole supervision, termination of sentence, commutation of sentence, and pardons.

### VISION STATEMENT

- To make the State of Utah a safer, better place to live for all its citizens.

### VALUE STATEMENTS

- To provide optimum protection of public and safeguard the rights, privileges and interest of victims and offenders;
- To make consistent, rational and careful decisions, without regard to race, color, religion, gender, political affiliation, or national origin, on the merits of each case, taking into account aggravating and mitigating circumstances;
- To provide service in the most cost effective, efficient manner; and
- To respond to all inquiries in a timely fashion and to work with other agencies to find solutions to problems.

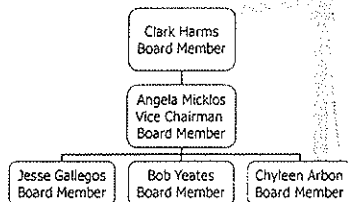
## HISTORICAL SUMMARY OF BOARD OF PARDONS & PAROLE

- 1896: Board consisted of the Governor, Justices of the Supreme court, and Attorney General
- 1953: Board consisted of three part-time members.
- 1977: Board consisted of five part-time members
- 1983: Board consisted of three full-time members
- 1985: The Governor, instead of Corrections, began appointing the Board members.
- 1986: Jurisdiction expanded from felony cases to restitution and Class A misdemeanors

## HISTORICAL SUMMARY CONTINUED

- 1988: Board began providing victim notification of an offender's parole hearing
- 1990: The Board consists of five full-time members and three pro tempore members with staggered five year terms. Chairman is appointed by the Governor.
- 1992: Commutation power of the Board was restricted. Death sentences may only be commuted to "life without parole."
- 1993: The Utah Supreme court (Labrum case) articulated the Board was the sentencing authority for Utah, or an extension of.
- 1996: Board's pro tempore members increased to five members, in addition to five full-time members.

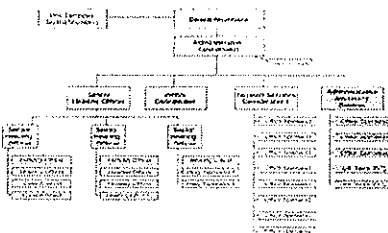
## BOARD MEMBERS



## BOARD STAFF

- The Board has a full time staff consisting of:
  - Hearing Officers (11)
  - Case Analysts (2)
  - Mental Health Specialist
  - Victim coordinator
  - Disclosure Specialists
  - Support Service

## Board Organization



## What is the Board's Jurisdiction?

- The Board has jurisdiction over those offenders committed to the custody of the Utah Department of Corrections for an indeterminate term that may not exceed the maximum sentence imposed.
- This includes all state felons and class A misdemeanants sentenced to incarceration for a minimum term of one year at the USP.

### How are Board decisions different from that of a judge?

- It is the Board's responsibility to determine the length of incarceration for these indeterminate sentences. Judges can only impose indeterminate terms.

### What powers does the Board have?

- Decide whether an offender will be paroled short of court ordered expiration of sentence.
- Commute or reduce sentences
- Impose or remit restitution, fines and forfeitures
- Terminate the sentence of an inmate or parolee, short of sentence expiration
- Pardon offenders except in cases of treason or impeachment
- Issue warrants of arrest, based on probable cause of parole violations
- Revoke parole on finding of cause
- Conduct evidentiary hearing with full subpoena authority

### PREPARING FOR A HEARING

- Judgment and commitment orders and other court communications
- Pre and post-sentence investigations
- Prosecuting and Defense Attorney communications
- Department of Corrections reports
- Victim communications
- All correspondence, both positive and negative
- Inmate Board reports generated by prison

### DISCLOSURE OF INFORMATION

- Based on the supreme court's decision in Labrum and Neel, the Board prepares a disclosure file of all information it will rely on when making a decision and gives this information to the inmate prior to the hearing.
- Cannot use information not disclosed

### DECISION MAKING

- The Chairman assigns single Board members or hearing officers to prepare and conduct hearings.
- The Hearing Officer notes and full case file are reviewed by members of the Board.
- Each voting member, records a vote.
- In cases where differences exist, or for more complex/high profile cases, a full staffing discussion occurs to reach final decision.
- Every decision and action of the board is made by majority vote, with the exception of issuing warrants

### Are Board decisions final?

- The Board decisions are final, non-appealable, and not subject to judicial review. Process issues are subject to judicial review.

## TYPES OF HEARINGS

- Original Parole Grant Hearings
- Rehearings
- Redetermination Hearings
- Rescission Hearings
- Parole Violation Hearings
- Reinstitution Hearings
- Special Attention/Parole Condition Hearings
- Pardon Hearings
- Commutation Hearings

Decisions and Hearings of the Board of Pardon and Parole

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Original Hearings - 1st Session	1,474	1,524	1,531	1,567	1,779	1,702	1,719	1,823	1,823	1,711
Parole Violation Hearings	1,452	1,762	2,238	1,422	1,311	1,110	1,472	1,448	1,534	1,576
Rehearing Hearings	125	214	178	141	112	130	161	172	174	159
Redetermination Hearings	1	1	1	1	1	1	1	1	1	1
Rescission Hearings	1	1	1	1	1	1	1	1	1	1
Special Attention Hearings	1	1	1	1	1	1	1	1	1	1
Reinstitution Hearings	1	1	1	1	1	1	1	1	1	1
Pardon Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
Commutation Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
Parole Violation Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
Rehearing Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
Redetermination Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
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Commutation Hearings	1,101	1,302	1,301	1,078	1,018	1,012	1,009	1,012	1,008	1,011
Total Hearings	11,101	13,302	13,301	10,778	10,118	10,112	10,009	10,112	10,008	10,111
Decisions and Hearings Combined Total	11,101	13,302	13,301	10,778	10,118	10,112	10,009	10,112	10,008	10,111

## ORIGINAL HEARINGS

- Each inmate whose sentence carries the possibility of parole has the right to a personal appearance before the Board at some point during his or her sentence to determine whether a parole or other disposition short of sentence expiration will be granted.
- All Felonies with a death: The Board will review each case based upon the unique facts of the case; as soon as practicable for a determination of the month and year for the Original Hearing.

## Original Hearing Schedules

First Degree Felonies 16+ to life:	15 years
First Degree Felonies 10-15 to life:	7 years
First Degree Felonies 1 -9 to life:	3 years
Second Degree Felony Sex Offenses:	18 months
Second Degree Felony Other:	6 months
Third Degree Felony Sex Offense:	12 months
Third Degree Felony Other:	3 or 4 months
Class A Misdemeanors:	3 months

## ORIGINAL HEARINGS

- Inmates who are sentenced to death or life without parole are not granted an original hearing.

Decisions made at original hearings can include the following recommendations:

- 1) Parole date w/associated conditions
- 2) Rehearing
- 3) Expiration date
- 4) Termination date

## REHEARINGS

- A rehearing is conducted very similar to an original hearing. Usually rehearsings are given, in lieu of a parole date, to assess involvement in treatment, programming, or educational opportunities; to have psychological evaluations completed, and/or to reevaluate current attitudes.
- Sex Offenders are typically given rehearsings

## RECISSION HEARINGS

- After the Board makes a decision to grant an inmate a parole date or a rehearing date, individuals may, at any time, be referred to the Board for a review of that decision due to violations of prison regulations or new criminal convictions. The outcome of a rescission hearing may be to postpone the previously set release date or date of hearing.

## REDETERMINATION HEARINGS

- Offenders will be eligible to apply for redetermination at five-year intervals from the last time-related decision. A time-related decision is defined as a personal appearance hearing or redetermination review dealing with release or rehearing dates. Offenders who have been given a decision of natural life in prison will be eligible for redetermination at ten year intervals.

## PAROLE VIOLATION HEARINGS

- The Offender has the right to be heard at a parole revocation hearing within a reasonable amount of time. The Board has set the period of time to be within 30 days.
- The offender has the right to be represented by counsel and is allowed to enter pleas to the allegations against him/her.
- Testimony is taken from both the offender and the parole agent, and an interim decision is rendered.
- Board members review all interim decisions and vote, with the majority decision prevailing.

## SPECIAL ATTENTION HEARINGS

- At any time during an offender's incarceration, the Board may review a case. The review is a result of a request from a caseworker, parole agent, attorney, or occasional outside source. Information presented must be new information which was not considered at the last review before the Board. This type of review can be handled administratively or with a personal appearance.

## PARDON HEARINGS

- The Board may consider a petition for a pardon from an individual whose sentence(s) were under the board's jurisdiction and have been terminated or expired for at least five years. When the petition involves cases that were not under the board's jurisdiction, the applicant shall provide all relevant information.



## COMMUTATION HEARING

substitution of one form of  
payment or penalty for another

Typically life in prison instead of death.

The commutation hearing is not adversarial and neither side is allowed to cross-examine the other party's witnesses. However, the Board may ask questions freely of any witness, the inmate, the inmate's representative, and the state's representative.

The role of the State's representative is limited to rebutting petitioner's claim that his sentence should be commuted and otherwise assisting the Board to determine all facts relevant to the inquiry and petitioner's claims.

The Rules of Evidence do not apply.

The Board of Pardons and Parole is the final authority to determine commutation of death penalty cases.

## ADMINISTRATIVE REVIEWS

- Adjusting conditions of parole
- Progress or violations of parole
- Termination of parole
- Redeterminations
- Response to requests

## WARRANTS

- Warrants shall be issued only upon showing that there is probable cause to believe that a parole violation has occurred. (How, Where, & What)
- A warrant request shall be submitted by the parole agent with the reasons to believe the named parolee committed specific parole violations.

## TREATMENT IN PRISON

- No one starts treatment prior to their Original Hearing
- No one starts treatment until they have been flagged by the BOPP
- The Board does not flag offenders for treatment if there is no intent to release.
- Language entails: "With an SOTP memo"
- Treatment commences in accordance with rehearing date and usually will begin during the year prior to the scheduled rehearing.
- The prison SOTP tracks and places offenders into treatment based on their rehearing dates.

## PAROLE TERMS

- Every person committed to prison to serve an indeterminate term and later released on parole on or after July 1, 2008, and who was convicted of any felony offense under Title 76, Chapter 5, Offenses Against the Person, or any attempt, conspiracy, or solicitation to commit any of these felony offenses, shall complete a term of parole that extends through the expiration of the person's maximum sentence, unless terminated earlier by the BOPP. (UCA §76-5-101 et seq.)

## PAROLE TERMS

- Anyone who paroled before 6/30/2008 the following applies:
- Third Degree 36 months
- Second Degree 10 years
- First Degree Life time parole
- The offense has to be listed in statute to apply; otherwise, it is/was three years.

## PAROLE TERMS

- Parole **never** lasts past sentence expiration.
- Legislative (Statutory) Termination:
  - Generally = 36 months maximum.
  - GAMI = 60 months minimum.
  - Parole can always be terminated by the Board earlier (except GAMI).

## SO PAROLE CONDITIONS

- **Group A - Offenses Against Children**
- I shall:
  1. Enter into, participate, and successfully complete sex offender therapies determined by the treating facility and therapist and as determined by UOC.
  2. Enter into and successfully complete established progressive curfew, or electronic monitoring where available, when required by parole officer.
  3. Have no direct or indirect contact with victim(s) or victim's family without prior written approval of the board of pardons and parole.
  4. Have no contact or association with victim(s) under age 18 years, residing at home, without prior written approval of Adult Probation and Parole.
  5. Not have persons with children under the age of 18 years without prior written approval of parole officer.
  6. Not enter places or events where children congregate, including but not limited to: schools, playgrounds, parks, beaches, parties, family functions, holiday festivities, or any other place or function where children are present or reasonably expected to be present without the prior written approval of parole officer or the supervision of a responsible adult personally assigned in writing by parole officer.
  7. Not have in my possession or under my control any material that acts as a sexual stimulus or particular deviancy(ies), including but not limited to: computer programs, computer files, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc., without prior written approval of parole officer.
  8. Not have in possession or under control any material that describes or depicts human nudity, the exploitation of children, consensual sex acts, nonconsensual sex acts involving force or violence, including but not limited to: computer programs, computer files, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc., without prior written approval of parole officer.
  9. Not have in my possession or under my control any items or materials either designed or used to restrain, bind or restrict the attention of children under the age of 18 without prior written approval of my parole officer.
  10. Submit to random polygraph examinations.
  11. Employment must be approved by my parole officer.
  12. Residence and residence changes must be approved by my parole officer.
  13. Enact and adhere to the terms of the Parole Interstate Compact Waiver and Agreement, if parole is served outside of State of Utah.
  14. Comply with requirements of sex offender registration and DNA blood draws.

## SO PAROLE CONDITIONS

- **Group B - Offenses Against Adults**
- I shall:
  1. Enter into, participate, and successfully complete sex offender therapy as determined by the treating facility and therapists and as determined by UOC.
  2. Enter into and successfully complete established progressive curfew, or electronic monitoring where available, when required by parole officer.
  3. Have no direct or indirect contact with victim(s) or victim's family without prior written approval of the board of pardons and parole.
  4. Not have in my possession or under my control any material that acts as a sexual stimulus for my particular deviancy(ies) including, but not limited to: computer programs, computer files, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior approval from Adult Probation and Parole.
  5. Not have in my possession or under my control any material that describes or depicts human nudity, the exploitation of children, consensual sex acts, non-consensual sex acts, sexual acts involving force or violence including, but not limited to: computer files, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior approval of parole officer.
  6. Submit to random polygraph examinations.
  7. Employment must be approved by my parole officer.
  8. Residence and residence changes must be approved by my parole officer.
  9. Enact and adhere to the terms of the Parole Interstate Compact Waiver and Agreement, if parole is served outside of State of Utah.
  10. Comply with requirements of sex offender registration and DNA blood draws.

## PROBATION VIOLATORS

- Do not get credit for time on probation
- Do not get credit for time in jail while on probation
- Sentence starts over when you come to prison

## SEX CONVICTIONS

- **Class A Misdemeanors**
  - 76-9-702.5 Lewdness Involving a Child
  - 76-5-401.1 Sexual Abuse of a Minor
    - Victim is 14 years of age or older, but younger than 16 years of age and the perpetrator is seven years or more older than the minor
  - 76-5-401.2 Unlawful Sexual Conduct w/a 16 or 17 year old
  - 76-9-702.7 Voyeurism

## SEX OFFENSE CONVICTIONS

### ■ Third Degree Felonies

- 76-7-102 Incest
- 76-9-702.5 Lewdness Involving a Child
- 76-5-401 Unlawful Sexual Activity with a Minor  
Victim is 14 years of age or older, but younger than 16 years of age
- 76-5-401.2 Unlawful Sexual Conduct w/ 16 or 17 year old  
Victim is 16 years of age or older, but younger than 18 and perpetrator is 10 or more years older than victim
- 76-9-702.7 Voyeurism 14 years or younger

## SEX OFFENSE CONVICTIONS

### ■ Second Degree Felonies

- 76-5-404. Forcible Sexual Abuse
- 76-5-404.1 Sexual Abuse of a Child  
Aggravated Sexual Abuse of a Child

## SEX OFFENSE CONVICTIONS

### ■ First Degree Felonies

- 76-4-401 Enticing a Minor – 3 to life
  - Use of the Internet or texting to lure a minor to engage in sexual activity, when has had a prior conviction
- 76-5-402 Rape – 6, 10, 15
  - Sexual intercourse without consent
- 76-5-402.1 Rape of a Child – 25 or life without parole
  - Sexual intercourse with a child under 14
- 76-5-402.2 Object Rape – 5, 6, 10, 15
  - Foreign object, substance, instrument or device besides mouth or genitals used to cause penetration on a minor 14 year and older
- 76-5-402.3 Object Rape of a Child – 25 or life without parole
  - Foreign object, substance, instrument or device besides mouth or genitals used to cause penetration on a minor under 14 years of age

## SEX OFFENSE CONVICTIONS

- 76-5-403 Forcible Sodomy – 5, 6, 10, 15
  - Victim is 14 years of age or older involving the genitals of one person and mouth or anus of another person
- 76-5-403.1 Sodomy on a Child – 25 or life without parole
  - Victim is under 14 years of age involving the genitals of one person and mouth or anus of another person
- 46-5-404 Forcible Sexual Abuse – 6, 10, 15
  - Victim is 14 years of age or older. The actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female
- 76-4-404.1 Agg. Sexual Abuse of a Child – 6, 10, 15
  - Victim is under the age of 14. The actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female
- 76-5-405 Agg. Sexual Assault – 6, 10, 15
  - Use or threatens victim with a dangerous weapon

### BOPP SNAPSHOT – MURDER CONVICTIONS (July 2009)

Death Penalty: Currently 8 Utah inmates on Death Row.

Agg. Murder - Life Without Parole:  
Currently 28 inmates have court-imposed LWOP sentences.

Aggravated Murder – With Parole:  
Currently 74 inmates have Capital Murder convictions with the possibility of parole. Of these:

- 22 (30%) will never be paroled, by Board order.
- 23 (31%) were denied parole at Original Hearing. Will serve an average of 27.6 years before a scheduled Re-Hearing.
- 17 (23%) will serve an average of 25.1 years before their Original Hearing, following Board Administrative Review.
- 12 (16%) have been granted parole - will serve an average of 29.3 years before release.

### BOPP SNAPSHOT – MURDER CONVICTIONS (July 2009)

#### Murder – Up to Life, With Parole:

Currently 244 "Life maximum" Murder convictions.

Of these:

- 18 (7%) were ordered by Board to serve their entire lives.
- 46 (19%) were denied parole at Original Hearing. These inmates will serve an average of 23.7 years before their next Re-Hearing.
- 138 (57%) will serve an average of 20.3 years before their Original Hearing, following Board Administrative Review.
- 42 (17%) have been given parole or termination dates which average 21.4 years served before release.

THE END



## CONTACT INFORMATION

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# FORM 1 - GENERAL MATRIX (use TAB to move around form)

## CRIMINAL HISTORY ASSESSMENT

THESE ARE GUIDELINES ONLY. THEY DO NOT CREATE ANY RIGHT OR EXPECTATION ON BEHALF OF THE OFFENDER.

### INSTRUCTIONS FOR THIS FORM ON PAGE 3

OFFENDER'S

NAME: 

	Points		Enter Points
<b>PRIOR FELONY CONVICTIONS</b> (SEPARATE CRIMINAL CONVICTIONS)	0 2 4 6 8	NONE ONE TWO THREE MORE THAN THREE	<input type="text"/>
<b>PRIOR MISDEMEANOR CONVICTIONS</b> (SEPARATE CRIMINAL CONVICTIONS) (INCLUDES DUI & RECKLESS) (EXCLUDES OTHER TRAFFIC)	0 1 2 3 4	NONE ONE TWO TO FOUR FIVE TO SEVEN MORE THAN SEVEN	<input type="text"/>
<b>PRIOR JUVENILE ADJUDICATIONS</b> (ADJUDICATIONS FOR OFFENSES THAT WOULD HAVE BEEN FELONIES IF COMMITTED BY AN ADULT)(THREE MISDEMEANOR ADJUDICATIONS EQUAL ONE FELONY ADJUDICATION)	0 1 2 3 4	NONE ONE TWO TO FOUR MORE THAN FOUR SECURE PLACEMENT	<input type="text"/>
<b>SUPERVISION HISTORY</b> (ADULT OR JUVENILE)	0 1 2 3 4	NO PRIOR SUPERVISION PRIOR SUPERVISION PRIOR RESIDENTIAL PLACEMENT PRIOR REVOCATION ACT OCCURRED WHILE UNDER CURRENT SUPERVISION OR PRE-TRIAL RELEASE	<input type="text"/>
<b>SUPERVISION RISK</b> (ADULT OR JUVENILE)	0 1 2 3 4	NO ESCAPES OR ABSCONDINGS FAILURE TO REPORT (ACTIVE OFFENSE) OR OUTSTANDING WARRANT ABSCONDED FROM SUPERVISION ABSCONDED FROM RESIDENTIAL PROGRAM ESCAPED FROM CONFINEMENT	<input type="text"/>
<b>VIOLENCE HISTORY</b> (PRIOR ADULT OR JUVENILE OFFENSE CONVICTION FOR AN OFFENSE WHICH INCLUDES THE USE OF A WEAPON, PHYSICAL FORCE, THREAT OF FORCE OR SEXUAL ABUSE)	0 1 2 3 4	NONE MISDEMEANOR 3RD DEGREE FELONY 2ND DEGREE FELONY 1ST DEGREE FELONY	<input type="text"/>
<b>WEAPON USED IN CURRENT OFFENSE</b> (ONLY WHEN CURRENT CONVICTION DOES NOT REFLECT WEAPON USE OR WHEN STATUTORY ENHANCEMENT IS NOT INVOLVED)	1 2 3 4 6	CONSTRUCTIVE POSSESSION ACTIVE POSSESSION DISPLAYED OR BRANDISHED ACTUAL USE INJURY CAUSED	<input type="text"/>



OFFENDER'S NAME: 0

TOTAL SCORE
<b>0</b>

CRIMINAL HISTORY ROW	
ROW	POINT TOTAL
V	16+
IV	12-15
III	8-11
II	4-7
I	0-3

		CRIME CATEGORY											
		A	B	C	D	E	F	G	H	I	J	K	L
		1st Degree Murder	1st Degree Death	2nd Degree Death	1st Degree Person	3rd Degree Death	1st Degree Other	2nd Degree Person	3rd Degree Person	2nd Degree Other	2nd Degree Possession	3rd Degree Other	3rd Degree Possession
CRIMINAL HISTORY	V	24 YRS											18 MOS
	IV	22 YRS								24 MOS	18 MOS	18 MOS	16 MOS
	III	20 YRS						36 MOS	24 MOS	20 MOS	16 MOS	12 MOS	12 MOS
	II	20 YRS				24 MOS	66 MOS	30 MOS	20 MOS	18 MOS	14 MOS	10 MOS	10 MOS
	I	20 YRS			6 YRS	20 MOS	60 MOS	24 MOS	18 MOS	16 MOS	12 MOS	9 MOS	8 MOS

\* The statutory range for this category is 1 to 15 years. The Board of Pardons and Parole will consider all aggravating and mitigating factors in determining length of stay. Because the facts of the cases in this crime category are widely divergent, and criminal history is less determinative than in other categories, a single guideline recommendation, in this category, is not helpful in determining length of stay of an offender.

**CONSECUTIVE ENHANCEMENTS:** 40% of the shorter sentence is to be added to the full length of the longer sentence.

**CONCURRENT ENHANCEMENTS:** 10% of the shorter sentence is to be added to the full length of the longer sentence.

Matrix timeframes refer to imprisonment only. Refer to the categorization of offenses.

Capital offenses are not considered within the context of the sentencing guidelines.

OFFENDER'S NAME: 

## ACTIVE CONVICTIONS &amp; CRIME CATEGORY

TIME

MOST SERIOUS

NEXT MOST SERIOUS

OTHER

OTHER

OFFENDER'S NAME:

DATE SCORED:

SCORER'S NAME:

**INSTRUCTIONS:** All actions required to navigate around this worksheet can be accomplished with the TAB key, the ESCAPE key and the UP and DOWN ARROWS. Start by insuring the cursor is placed over the blank yellow box on PAGE 1, then enter the offender's name and PRESS the TAB key, this will advance you to the first red box. The Offender's Name will automatically be entered on all subsequent pages as you type it at the top of PAGE 1.

# FORM 2 - SEX OFFENDER matrix (use TAB to move around form)

## CRIMINAL HISTORY ASSESSMENT

THESE ARE GUIDELINES ONLY. THEY DO NOT CREATE ANY RIGHT OR EXPECTATION ON BEHALF OF THE OFFENDER.

### INSTRUCTIONS FOR THIS FORM ON PAGE 3

OFFENDER'S

NAME:

Points

Enter  
Points

#### PRIOR FELONY CONVICTIONS

(SEPARATE CRIMINAL CONVICTIONS)

- |   |                 |
|---|-----------------|
| 0 | NONE            |
| 2 | ONE             |
| 4 | TWO             |
| 6 | THREE           |
| 8 | MORE THAN THREE |

#### PRIOR MISDEMEANOR CONVICTIONS

(SEPARATE CRIMINAL CONVICTIONS)

(INCLUDES DUI & RECKLESS)

(EXCLUDES OTHER TRAFFIC)

- |   |                 |
|---|-----------------|
| 0 | NONE            |
| 1 | ONE             |
| 2 | TWO TO FOUR     |
| 3 | FIVE TO SEVEN   |
| 4 | MORE THAN SEVEN |

#### PRIOR JUVENILE ADJUDICATIONS

(ADJUDICATIONS FOR OFFENSES THAT

WOULD HAVE BEEN FELONIES IF

COMMITTED BY AN ADULT)(THREE

MISDEMEANOR ADJUDICATIONS

EQUAL ONE FELONY ADJUDICATION)

- |   |                  |
|---|------------------|
| 0 | NONE             |
| 1 | ONE              |
| 2 | TWO TO FOUR      |
| 3 | MORE THAN FOUR   |
| 4 | SECURE PLACEMENT |

#### SUPERVISION HISTORY

(ADULT OR JUVENILE)

- |   |   |
|---|---|
| 0 | NO PRIOR SUPERVISION  |
| 1 | PRIOR SUPERVISION   |
| 2 | PRIOR RESIDENTIAL PLACEMENT                                       |
| 3 | PRIOR REVOCATION  |
| 4 | ACT OCCURRED WHILE UNDER CURRENT SUPERVISION OR PRE-TRIAL RELEASE |

#### SUPERVISION RISK

(ADULT OR JUVENILE)

- |   |   |
|---|---|
| 0 | NO ESCAPES OR ABSCONDINGS                                 |
| 1 | FAILURE TO REPORT (ACTIVE OFFENSE) OR OUTSTANDING WARRANT |
| 2 | ABSCONDED FROM SUPERVISION                                |
| 3 | ABSCONDED FROM RESIDENTIAL PROGRAM                        |
| 4 | ESCAPED FROM CONFINEMENT                                  |

#### VIOLENCE HISTORY

(PRIOR ADULT OR JUVENILE OFFENSE CONVICTION FOR AN OFFENSE WHICH INCLUDES THE USE OF A WEAPON, PHYSICAL FORCE, THREAT OF FORCE, OR SEXUAL ABUSE.

- |   |                   |
|---|-------------------|
| 0 | NONE              |
| 1 | MISDEMEANOR       |
| 2 | 3RD DEGREE FELONY |
| 3 | 2ND DEGREE FELONY |
| 4 | 1ST DEGREE FELONY |

#### WEAPONS USED IN CURRENT OFFENSE

(ONLY WHEN CURRENT CONVICTION DOES NOT REFLECT WEAPON USE OR WHEN STATUTORY ENHANCEMENT IS NOT INVOLVED)

- |   |                         |
|---|-------------------------|
| 1 | CONSTRUCTIVE POSSESSION |
| 2 | ACTIVE POSSESSION       |
| 3 | DISPLAYED OR BRANDISHED |
| 4 | ACTUAL USE              |
| 6 | INJURY CAUSED           |

<b>NUMBER OF PRIOR VICTIMS</b> (PRIOR SEX OFFENSE VICTIMS, NOT INCLUDING PRESENT VICTIM)	<b>0</b>	NO PRIOR VICTIMS
	<b>3</b>	ONE PRIOR VICTIM
	<b>4</b>	MORE THAN ONE PRIOR VICTIM

<b>TIME RANGE</b> (NUMBER OF YEARS OFFENDER HAS BEEN OFFENDING SEXUALLY)	<b>1</b>	ONE-TIME INCIDENT
	<b>2</b>	WITHIN ONE YEAR
	<b>3</b>	WITHIN TWO YEARS
	<b>4</b>	TWO YEARS OR OVER

OFFENDER'S NAME: 0

<b>TOTAL SCORE</b>
<b>0</b>

CRIMINAL HISTORY ROW	
ROW	POINT TOTAL
III	7+
II	4-6
I	0-3

### CRIME CATEGORY

FIRST DEGREE							2ND DEGREE	3RD DEGREE	CLASS A MISD.
A	B	C	D	E	F	G	H	I	J
MANDATORY PRISON 15 TO LIFE	MANDATORY PRISON 10 TO LIFE	MANDATORY PRISON 6 TO LIFE	MANDATORY PRISON 5 TO LIFE	MANDATORY PRISON 3 TO LIFE	5 YEARS TO LIFE	3 YEARS TO LIFE	1 TO 15	0 TO 5	
<b>CRIMINAL HISTORY</b>	III	21 YRS	14 YRS	100 MOS	75 MOS	75 MOS	75 MOS	64 MOS	42 MOS
	II	18 YRS	12 YRS	90 MOS	66 MOS	64 MOS	66 MOS	62 MOS	48 MOS
	I	16 YRS	11 YRS	80 MOS	60 MOS	42 MOS	60 MOS	42 MOS	

MANDATORY IMPRISONMENT
  IMPRISONMENT
  INTERMEDIATE SANCTIONS

**CONSECUTIVE ENHANCEMENTS:** 40% of the shorter sentence is to be added to the full length of the longer sentence.

**CONCURRENT ENHANCEMENTS:** 10% of the shorter sentence is to be added to the full length of the longer sentence.

Matrix timeframes refer to imprisonment only. Refer to the categorization of offenses.

OFFENDER'S NAME: 

	ACTIVE CONVICTIONS & CRIME CATEGORY	TIME
MOST SERIOUS	<input type="text"/>	<input type="text"/>
NEXT MOST SERIOUS	<input type="text"/>	<input type="text"/>
OTHER	<input type="text"/>	<input type="text"/>
OTHER	<input type="text"/>	<input type="text"/>
	TOTAL	<input type="text" value="0"/>

OFFENDER'S NAME:

DATE SCORED:

SCORER'S NAME:

**INSTRUCTIONS:** All actions required to navigate around this worksheet can be accomplished with the TAB key, the ESCAPE key and the UP and DOWN ARROWS. Start by insuring the cursor is placed over the blank yellow box on PAGE 1, then enter the offender's name and PRESS the TAB key, this will advance you to the first red box. The Offender's Name will automatically be entered on all subsequent pages as you type it at the top of PAGE 1.





Name \_\_\_\_\_

Offender # \_\_\_\_\_

## BEFORE THE BOARD OF PARDONS OF THE STATE OF UTAH

RATIONALE FOR DECISION ON \_\_\_\_\_ FOR \_\_\_\_\_  
Hearing Date Hearing Type

The Board of Pardons' decision is based on the following factors:

### AGGRAVATING

### MITIGATING

#### OFFENDER'S BACKGROUND

\_\_\_\_\_ Criminal history significantly underrepresented by guidelines  
(i.e., more than 4 felony convictions and/or 8 misdemeanors) . . . .  
\_\_\_\_\_ History of similar offenses . . . . .  
\_\_\_\_\_ Pattern of increasingly or decreasingly serious offenses . . . . .  
\_\_\_\_\_ History of unsuccessful or successful supervisions . . . . .

#### CHARACTERISTICS OF THE OFFENSE

\_\_\_\_\_ Use of weapons or dangerous instrumentalities . . . . .  
\_\_\_\_\_ Demonstration of extreme cruelty or depravity . . . . .  
\_\_\_\_\_ Abuse of position of trust, special skill, or responsibility . . . . .  
\_\_\_\_\_ Multiple incidents and/or victims . . . . .  
\_\_\_\_\_ Personal gain reaped from the offense . . . . .

#### OFFENDER'S TRAITS DURING THE OFFENSE

\_\_\_\_\_ Motive (intentional, premeditated vs. impulsive, reactionary) . . . .  
\_\_\_\_\_ Role (organizer, leader vs. follower, minimal participant) . . . . .  
\_\_\_\_\_ Obstruction of justice vs. early withdrawal or self-surrender . . . . .

#### VICTIM CHARACTERISTICS

\_\_\_\_\_ Extent of injury (physical, emotional, financial, social) . . . . .  
\_\_\_\_\_ Relatively vulnerable victim vs. aggressive or provoking victim . . . .  
\_\_\_\_\_ Victim in position of authority over offender . . . . .

#### OFFENDER'S PRESENT CHARACTERISTICS

\_\_\_\_\_ Denial or minimization vs. complete acceptance of responsibility . . . .  
\_\_\_\_\_ Repeated, numerous vs. first incarceration or parole revocation . . . .  
\_\_\_\_\_ Extent of remorse and apparent motivation to rehabilitate . . . . .  
\_\_\_\_\_ Timeliness and extent of efforts to pay restitution . . . . .  
\_\_\_\_\_ Programming (effort to enroll, nature of programming) . . . . .  
\_\_\_\_\_ Disciplinary problems or other defiance of authority . . . . .  
\_\_\_\_\_ Employment possibilities (history, skills, current job, future) . . . .  
\_\_\_\_\_ Extent of community fear, condemnation . . . . .  
\_\_\_\_\_ Degree of meaningful support system . . . . .  
\_\_\_\_\_ Nature and stability of release plans . . . . .  
\_\_\_\_\_ Unusual institutional vulnerability (due to age, health, other) . . . .  
\_\_\_\_\_ Overall rehabilitative progress and promise . . . . .  
\_\_\_\_\_ Lengthy history of alcohol/drug abuse vs. apparent rehabilitation . . . .  
\_\_\_\_\_ Substantial continuous period in custody on other charges . . . . .  
\_\_\_\_\_ Likely release to detainer . . . . .

#### OTHER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

Board Member \_\_\_\_\_